

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

STUDENT RESOURCE CENTER, LLC) CASE NO. 2:22-cv-02653-ALM-CMV
Plaintiff,)
v.) Chief Judge Algenon L. Marbley
EASTERN GATEWAY COMMUNITY) Magistrate Judge Chelsey M. Vascura
COLLEGE)
Defendants.)) **MOTION FOR APPROVAL OF SALE**

Defendant Eastern Gateway Community College (“EGCC”), by and through the undersigned counsel, hereby respectfully requests an Order from the Court approving the sale of the real estate known for street numbering purposes as 110 John Scott Highway, Steubenville, OH 43952 containing a two (2) story commercial building and other improvements on approximately 3.701 acres of land and commonly known as the Pugliese Building (“Pugliese Building”) owned by EGCC, Jefferson County Auditor Parcel No. 07-11934-001 (the “Pugliese Parcel”) and the real estate located adjacent to the Pugliese Parcel (“Adjacent Parcel”) containing approximately 1.131 acres of land, together with any improvements thereon, owned by EGCC, Jefferson County Auditor Parcel No. 07-10454-000 (the Pugliese Parcel and the Adjacent Parcel are collectively referred to as the “Property”). In support of this motion, EGCC states as follows:

1. On August 20, 2024, the Court entered its order stating that EGCC “shall not transfer, move, sell, or encumber the Pugliese Center, located at 110 John Scott Highway, in Steubenville, Ohio.” (ECF No. 145 at 15). This order became effective upon Plaintiff’s submission of a \$500.00 bond to the Clerk of Court on August 21, 2004. (*See* ECF No. 146; ECF No. 149).
2. On September 27, 2024, the Court entered its Order of Prejudgment Attachment instructing the Sheriff of Jefferson County, Ohio (“Sheriff”) to attach the Pugliese Parcel, referenced as the “Pugliese Center” in the Court’s Order. (ECF No. 149 at 1).

3. In the same Order, the Court instructed the Sheriff to place a lien on the Pugliese Parcel in favor of Plaintiff Student Resource Center as a security for the claims against Defendant Eastern Gateway Community College asserted in this action and stated the Pugliese Parcel can be recovered by the Defendant by the filing of a bond pursuant to Ohio Rev. Code §§ 2715.10 and 2715.26. (*Id.* at 2).

4. The Court additionally ordered that no parcel of the above-referenced properties shall be transferred, moved, sold, or encumbered without an order from this Court authorizing such proposed sale, transfer, or encumbrance, and giving Plaintiff notice and opportunity to object to any such proposed sale, transfer, or encumbrance. (*Id.*).

5. The Steubenville City School District Board of Education (“BOE”) has expressed an interest in purchasing the Property for fair market value and for the purpose of converting the Pugliese Building into an elementary school by the Fall of 2025.

6. Time is of the essence for BOE as it needs to complete substantial renovations to the Pugliese Building to allow it to open by the Fall of 2025

7. There are no other interested buyers for the Property.

8. EGCC and BOE have negotiated a Real Estate Purchase Agreement (“Purchase Agreement”) in the form attached hereto as Exhibit 1. The terms and conditions of sale include a Two Million One Hundred Thousand (\$2,100,000) purchase price negotiated and agreed-upon by EGCC and BOE and is supported by the supported by the Jefferson County Auditor’s tax assessment value contained in Exhibit A to the Purchase Agreement and the appraisals attached hereto as Exhibit 2 and 3.

9. EGCC and BOE desire to enter into the Purchase Agreement subject to the Court's approval and any conditions it may place on the payment and preservation of the net proceeds resulting from the sale as continued security for Plaintiff's claims.

10. On November 7, 2024, EGCC, through counsel, informed SRC of the proposed sale, provided it with a copy of the proposed Purchase Agreement, with exhibits, and the appraisals attached to this Motion. While SRC expressed "concerns" about the proposed sale, it has not delineated the concerns, and to date, has not provided its approval for the proposed sale despite a follow-up request on December 11, 2024.

11. EGCC submits this Motion to provide SRC with further notice and opportunity to object to the proposed sale of the Property and seek the Court's approval of the sale in time for BOE to accomplish its goal of converting the Pugliese Building into an elementary school by the Fall of 2025.

WHEREFORE, EGCC respectfully request that this Honorable Court enter an Order authorizing the sale of the Property under the Purchase Agreement, releasing the pre-judgment attachment lien over the Pugliese Parcel and related assets and ordering the net proceeds from the sale to be paid to the Clerk of Courts or other agent of the Court as security for Plaintiff's claims.

Respectfully submitted,

/s/ Adam D. Fuller

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2024, the foregoing Motion was filed electronically with the Court. Notice of this filing will be sent to all parties of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Adam D. Fuller

Adam D. Fuller (#0076431)

Special Counsel for Defendant

Eastern Gateway Community College